

1-1 By: Ellis, Ogden, Van de Putte S.B. No. 100
1-2 (In the Senate - Filed November 17, 2004; January 31, 2005,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 18, 2005, reported favorably by the following vote: Yeas 5,
1-5 Nays 4; April 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a request for placement of a security freeze on a
1-9 consumer file maintained by a consumer reporting agency.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 20.034, Business &
1-12 Commerce Code, is amended to read as follows:

1-13 (a) On written request sent by certified mail that includes
1-14 proper identification provided by a consumer [~~and a copy of a valid~~
1-15 ~~police report, investigative report, or complaint made under~~
1-16 ~~Section 32.51, Penal Code~~], a consumer reporting agency shall place
1-17 a security freeze on a consumer's consumer file not later than the
1-18 fifth business day after the date the agency receives the request.

1-19 SECTION 2. Subsection (b), Section 20.04, Business &
1-20 Commerce Code, is amended to read as follows:

1-21 (b) A consumer reporting agency may not charge a fee for:

1-22 (1) a request by a consumer for a copy of the
1-23 consumer's file:

1-24 (A) made not later than the 60th day after the
1-25 date on which adverse action is taken against the consumer; or

1-26 (B) made on the expiration of a 45-day security
1-27 alert;

1-28 (2) notification of the deletion of information that
1-29 is found to be inaccurate or can no longer be verified sent to a
1-30 person designated by the consumer, as prescribed by Section 611 of
1-31 the Fair Credit Reporting Act (15 U.S.C. Section 1681i), as
1-32 amended;

1-33 (3) a set of instructions for understanding the
1-34 information presented on the consumer report;

1-35 (4) a toll-free telephone number that consumers may
1-36 call to obtain additional assistance concerning the consumer report
1-37 or to request a security alert; ~~or~~

1-38 (5) a request for a security alert made by a consumer;
1-39 or

1-40 (6) a request for a security freeze made by a consumer
1-41 who has submitted to the consumer reporting agency a copy of a valid
1-42 police report, investigative report, or complaint involving the
1-43 alleged commission of an offense under Section 32.51, Penal Code.

1-44 SECTION 3. The change in law made by this Act applies only
1-45 to a request for placement of a security freeze on a consumer file
1-46 that is made on or after the effective date of this Act. A request
1-47 for placement of a security freeze on a consumer file that is made
1-48 before the effective date of this Act is governed by the law in
1-49 effect on the date the request was made, and the former law is
1-50 continued in effect for that purpose.

1-51 SECTION 4. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2005.

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